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SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER, VA 22182

EXAMINER
CEHIC, KENAN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 April 2005</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☒ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-SB/08)
   Paper No(s)/Mail Date <u>03/18/2005</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The abstract of the disclosure is objected to because "present invention" line 1 "said" in

line 4, 5, 7. Correction is required. See MPEP § 608.01(b).

2.   The abstract should be in narrative form and generally limited to a single paragraph on a
separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed
150 words in length since the space provided for the abstract on the computer tape used by the
printer is limited. The form and legal phraseology often used in patent claims, such as "means"
and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist
readers in deciding whether there is a need for consulting the full patent text for details.

        The language should be clear and concise and should not repeat information given in the
title. It should avoid using phrases which can be implied, such as, "The disclosure concerns,"
"The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3.   Claim 9 is objected to because of the following informalities:

        For claim 9, the claim limitation "said network element" ine line 2 is the first occurrence.

        It is suggested to applicant to change this to – a network element--. Similar problems

        exist in claim 19.

        For claim 10, "a charging policy " and "a network element" seem to refer back to the

        respective claim limitation in the claim 9. If this is correct it is suggested to applicant to

        change these to –said charging policy—and –said network element--.Similar problems

        exist in claim 20.

        Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claim 1, 2, 6-8, 11,12,16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Schweitzer et al. (US 2002/0013849 A1) in view of Jogalekar (US 7,002,977), hereinafter

Schweitzer and Jogalekar.

For claim 1, Schweitzer discloses A method for charging (see section 0043 lines 5-6

"policy..billed for usage" and section 0063 lines 1-5 "billing on a per session basis... IP

telephony, that might be charge per minute per leg. For HTTP that might be a charge per

megabyte) of a communication network (see section 0039 "network") during a data

session (see section 0033 lines 1-9 "session refers to a group of related flows"),

the data session (see section 0033 lines 1-9 "session refers to a group of related flows")

comprising a plurality of data flows (see section 0033 lines 1-9 "session refers to a group

of related flows"),

with each flow (see section 0031 lines 1-6 "flows") being distinguishable (see section

0024 lines 1-8 "flow detection" by a set of flow parameters (see section 0024 lines 1-8

"MAC addresses , IP addresses, and TCP/UDP ports"), the method comprising the steps

of:

enforcing a charging policy (see section 0043 lines 5-6 "policy..billed for usage" and

section 0063 lines 1-5 "billing on a per session basis... IP telephony, that might be charge

per minute per leg. For HTTP that might be a charge per megabyte) to be applied to said

data (see section 0041 lines 4-7 "receiving packets from the packet sources" and Fig 1

100a-e), wherein said charging policy (see section 0043 lines 5-6 "policy..billed for

usage" section 0063 lines 1-5 "billing on a per session basis... IP telephony, that might

be charge per minute per leg. For HTTP that might be a charge per megabyte") defines

charging rules per flow (see section 0063 lines 1-5 "billing on a per session basis... IP

telephony, that might be charge per minute per leg. For HTTP that might be a charge per

megabyte and section 0033 lines 1-2 "session refers to a group of related flows"; see

section 0071 lines 3-5 "voice over IP...usage charge might be waived" and claim 18

"charging");

observing (see section 0040 lines 1-6 "filter...remove local traffic from further analysis "

and 8-10 "voice over IP calls might be filtered out") said data reaching (see section 0041

lines 4-7 "receiving packets from the packet sources" and Fig 1 100a-e) a destination (see

Figure 1 "Filter") and

detecting (see section 0058 lines 1-7 "new flows....will be recognized") at least one flow

of data (see section 0058 lines 1-10 "new flows....will be recognized....NetMetting ™

specific sreamers" and section 0077 lines 6-12 "detect the FTP session....detect transfer

flow"); and

matching said detected flow (see section 0055 lines 1-5 "recognized flow...ongoing

packets in a voice over IP call") of data (see section 0055 lines 1-5 "recognized

flow...ongoing packets in a voice over IP call") to an enforced charging policy (see

section 0043 lines 5-6 "policy..billed for usage" and section 0063 lines 1-5 "billing on a

per session basis... IP telephony, that might be charge per minute per leg) ,applying said

matching charging policy (see section 0043 lines 5-6 "policy..billed for usage" and

section 0063 lines 1-5 "billing on a per session basis... IP telephony, that might be charge

per minute per leg)to said flow (see section 0055 lines 1-5 "recognized flow...ongoing

packets in a voice over IP call"),thereby generating charging information (see section

0067 lines 4-9 "service details records....billing purposes...paid for usage is exceeded").

As regarding claim 2, Schweitzer discloses said generated charging information (see section 0067 lines 4-9 "service details records....billing purposes...paid for usage is exceeded" and section 0063 lines 1-15 "billing...service detail record")

As regarding claim 7 and 17, said data flows (see section 0033 lines 7-9 "control flows...flows containing voice and/or video") are Internet Protocol (see section 0033 lines 7-9 "IP") based packet (see section 0023 lines 1-3 "packet") data flows (see section 0033 lines 7-9 "control flows...flows containing voice and/or video"), and said flow parameters (see section 0024 1-3 "header") comprise at least one of an IP (see section 0033 lines 7-9 "IP") header field (see section 0022 lines 6-9 "header"), a transport header field (see section 0022 lines 6-7 "header layer specific header"), and an application level information (see section 0027 lines 7-10 "application layer...FTP...HTTP).

As regarding claim 11, a device (see section 0102 "hardware...combination of hardware and software") for charging (see section 0043 lines 5-6 "policy..billed for usage" and section 0063 lines 1-5 "billing on a per session basis... IP telephony, that might be charge per minute per leg. For HTTP that might be a charge per megabyte) of data reaching (see section 0041 lines 4-7 "receiving packets from the packet sources" and Fig 1 100a-e) a network element e (see section 0102 "hardware...combination of hardware and software") of a communication network (see section 0039 "network") during a data session (see section 0033 lines 1-9 "session refers to a group of related flows"),

the data session see section 0033 lines 1-9 "session refers to a group of related flows")

comprising a plurality of data flows (see section 0033 lines 1-9 "session refers to a group

of related flows"),

with each flow (see section 0031 lines 1-6 "flows") being distinguishable (see section

0024 lines 1-8 "flow detection")by a set of

flow parameters (see section 0024 lines 1-8 "MAC addresses , IP addresses, and

TCP/UDP ports"), the system comprising: enforcing means (see section 0102

"hardware...combination of hardware and software")adapted to enforce a charging policy

(see section 0043 lines 5-6 "policy..billed for usage" and section 0063 lines 1-5 "billing

on a per session basis... IP telephony, that might be charge per minute per leg. For HTTP

that might be a charge per megabyte) to be applied to said data (see section 0041 lines 4-

7 "receiving packets from the packet sources" and Fig 1 100a-e), wherein

said charging policy (see section 0043 lines 5-6 "policy..billed for usage" section 0063

lines 1-5 "billing on a per session basis... IP telephony, that might be charge per minute

per leg. For HTTP that might be a charge per megabyte") defines charging rules per flow

(see section 0063 lines 1-5 "billing on a per session basis... IP telephony, that might be

charge per minute per leg. For HTTP that might be a charge per megabyte and section

0033 lines 1-2 "session refers to a group of related flows"; see section 0071 lines 3-5

"voice over IP...usage charge might be waived" and claim 18 "charging");

observation means adapted to observe (see section 0040 lines 1-6 "filter...remove local

traffic from further analysis " and 8-10 "voice over IP calls might be filtered out") said

data reaching (see section 0041 lines 4-7 "receiving packets from the packet sources" and

Fig 1 100a-e) a destination (see Figure 1 "Filter") and detecting see section 0058 lines

1-7 "new flows....will be recognized") at least one

flow of data (see section 0058 lines 1-10 "new flows....will be recognized....NetMetting

™ specific streamers" and section 0077 lines 6-12 "detect the FTP session....detect

transfer flow"); and matching means (see section 0102 "hardware...combination of

hardware and software") adapted to match said detected flow (see section 0055 lines 1-5

"recognized flow...ongoing packets in a voice over IP call") of data (see section 0055

lines 1-5 "recognized flow...ongoing packets in a voice over IP call") to an enforced

charging policy (see section 0043 lines 5-6 "policy..billed for usage" and section 0063

lines 1-5 "billing on a per session basis... IP telephony, that might be charge per minute

per leg), application means (see section 0102 "hardware...combination of hardware and

software") adapted to apply said matching

charging policy (see section 0043 lines 5-6 "policy..billed for usage" and section 0063

lines 1-5 "billing on a per session basis... IP telephony, that might be charge per minute

per leg) to said flow (see section 0055 lines 1-5 "recognized flow...ongoing packets in a

voice over IP call"), and generation means (see section 0102 "hardware...combination of

hardware and software"), responsive to said application means (see section 0102

"hardware...combination of hardware and software"), adapted to generate charging

information (see section 0067 lines 4-9 "service details records....billing purposes...paid

for usage is exceeded").

Schweitzer is silent about :

As regarding claim 1 and 11, enforcing a charging policy at the network element and a charging policy at the network element ; observing said data reaching said network element.

As regarding claim 2 and 12, discloses forwarding generated charging information to a charging system of the communication network.

As regarding claim 6 , upon enforcing said charging policy, data volume counters are initialized.

Jogalekar teaches a network element with the following features:

As regarding claim 1 and 11, Jogalekar discloses enforcing (see column 6 lines 1-2 "line card" and see column 6 42-47 "policy data...line card" and Figure 3 202,324, and Figure 7 704-710) a charging policy (see column 1 lines 61-67 "charging a premium rate" and column 11 lines 1-6 "policy matches...for received packets" Figure 6, 616) at the network element (see column 6 lines 1-2 "line card" and see column 6 42-47 "policy data...line card" and Figure 3 202,324, and Figure 7 704-710) and a charging policy (see column 1 lines 61-67 "charging a premium rate" and column 11 lines 1-6 "policy matches...for received packets" and Figure 6, 616) at the network element (see column 6 lines 1-2 "line card" and see column 6 42-47 "policy data...line card" and Figure 3 202,324); observing (see column 6 lines 32-42 "mapping data packets that enter the line card....classification data")said data reaching (see column 4 lines 24-31 "exchange data packets" and column 6 lines 32-42 "data packets that enter the line card") said network element (see column 6 lines 1-2 "line card").

As regarding claim 2 and 12, Jogalekar discloses forwarding (see column 8 lines 38-48 "billing engine..transmit...to the network manager") generated charging information (see column 8 lines 18-25 "billing engine may compile ...billing and accounting information") to a charging system (see column 8 lines 38-48 "network manager" and column 4 lines 47-49 "network manager...receives...information...for accounting and billing purposes")of the communication network (see column 4 lines 1-7 "network").

As regarding claim 6, Jogalekar discloses upon enforcing said charging policy (see column 1 lines 61-67 "charging a premium rate" and column 11 lines 11-13 "policy engine...checks...policy table" and Figure 6 608,614, 616), data volume counters (see column 11 lines 41-50 "service-specific counters...counters...counts the packets") are initialized (see column 12 lines 61-61 "creates service-specific counters such as either incrementing...or decrementing...").

As regarding claim 8 and 18, Jogalekar discloses each (see Figure 6 620-634) comprising at least one flow parameter (see Figure 6, 604 and column 8 lines 62-67 "packet header information"), and at least one (see Figure 6, 616) of a charging/accounting type (see Figure 6, 616, "Billing Mechansim") , an accounting event trigger (see Figure 6, 610, and column 9 lines 17-19 "period of time...a particular policy rule is applicable"), a charging metrics (see Figure 6, 608 and column 9 lines 9-15 "premium service that is billed...at different,rate"), and a

tariffing indication (see Figure 6, 608 and column 9 lines 9-15 "premium service that is billed...at different,rate"),

As regarding claim 16, Jogalekar discloses initialization means (see section 0102

"hardware...combination of hardware and software") adapted to initialize (see column 12

lines 61-61 "creates service-specific counters such as either incrementing...or

decrementing...") data volume

Counters (see column 11 lines 41-50 "service-specific counters...counters...counts the

packets") responsive to enforcing said

charging policy (see column 1 lines 61-67 "charging a premium rate" and column 11

lines 11-13 "policy engine...checks...policy table" and Figure 6 608,614, 616).

It would have been obvious to one of the ordinary skill in the art at the time of the

invention to modify the system of Schweitzer by using the features, as taught by

Jogalekar in order to provide ... (see column 5 lines 58-64).

5.   Claim 3 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schweitzer

et al. (US 2002/0013849 A1) in view of Jogalekar (US 7,002,977) as applied to claim 1 above,

and further in view of Gai et al. (US 7,185,073).

For claim 3 and 13 Schweitzer and Jogalekar teach the claimed invention as described in

paragraph 4.

Schweitzer and Jogalekar are silent about:

As regarding claim 3, enforcing is performed upon start-up of the network element.

As regarding claim 13, said enforcing means are responsive to activation of

the data session to perform the enforcing.

Gai et al. from the same or similar field of endeavor discloses enforcing a policy the

following features:

As regarding claim 3, Gai et al discloses enforcing is performed (see column 6 lines 21-

26 "rules that are utilized by the intermediated devices") upon start-up (see column 6

lines 21-26 "Upon initialization") of the network element (see column 6 lines 21-26

"intermediated devices")

As regarding claim 13, Gai et al discloses said enforcing means (see column 6 lines 21-26

"rules that are utilized by the intermediated devices") are responsive to start-up (see

column 6 lines 21-26 "Upon initialization") of the network element (see column 6 lines

21-26 "intermediated devices") to perform the enforcing (see column 6 lines 21-26 "rules

that are utilized by the intermediated devices").

It would have been obvious to one of the ordinary skill in the art at the time of the

invention to modify the system of Schweitzer in view of Jogalekar by using the features,

as taught by Gai et al., in order to provide ... (see column 5 lines 58-64).

6.   Claims 4,5, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Schweitzer et al. (US 2002/0013849 A1) in view of Jogalekar (US 7,002,977) as applied to claim

1 above, and further in view of Amin et al. (US 2002/0152319).

For claim 4, 5, 14, and 15 Schweitzer and Jogalekar teach the claimed invention as in

paragraph 4.

As regarding claim 5, Schweitzer discloses enforcing (see section 0035 lines 4-15 "voice

over IP call...single session...checked...does not exceed..) is performed dynamically

(see section 0035 lines 4-15 "...single session...checked every minute...does not

exceed..) during the lifetime (see section 0033 lines 1-4 "session..definite time bound") of

the data session (see section 0035 lines 4-15 "voice over IP call...single session").

As regarding claim 15, Schweitzer discloses said enforcing means (see section 0102

"hardware...combination of hardware and software")are dynamically performing (see

section 0035 lines 4-15 "...single session...checked every minute...does not exceed..)

the enforcing (see section 0035 lines 4-15 "voice over IP call...single

session...checked...does not exceed..) during the life-time see section 0033 lines 1-4

"session..definite time bound") of the data session (see section 0035 lines 4-15 "voice

over IP call...single session").

Schweitzer and Jogalekar are silent about:

As regarding claim 4, enforcing is performed upon activation of the data

session.

As regarding claim 14, said enforcing means are responsive to activation of

the data session to perform the enforcing.

Amin et al from the same or similar field of endeavor discloses an accounting

management system with the following features:

As regarding claim 4, Amin discloses enforcing is performed (see section 0212 5-10

"usage measurements of the new service session...sent to Accounting server.....Billing

server") upon activation of the data session (see section 0212 lines 1-2 "new service

sessions").

As regarding claim 14, Amin discloses said enforcing means (see section 0200 lines 1-4

"access point") are responsive to activation of the data session (see section 0212 lines 1-2

"new service sessions") to perform the enforcing (see section 0212 5-10 "usage

measurements of the new service session...sent to Accounting server....Billing server").

It would have been obvious to one of the ordinary skill in the art at the time of the

invention to modify the system of Schweitzer in view of Jogalekar by using the features,

as taught by Amin et al., in order to provide ... (see section 0010 lines 1-9).

7.   Claim 9, 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jogalekar (US

7,002,977) in view of Schweitzer et al. (US 2002/0013849 A1), hereinafter Schweitzer and

Barabash

For claim 9, Jogalker discloses a method for supplying (see column 4 lines 38-42

"transmit policy information...to the packet forwarding devices") a network element (see

column 6 lines 1-2 "line card") with a charging Policy (see column 1 lines 61-67

"charging a premium rate" and column 11 lines 11-13 "policy engine...checks...policy

table" and Figure 6 608,614, 616) to be enforced (see column 6 lines 1-2 "line card" and

see column 6 42-47 "policy data...line card"; and column 11 lines 11-13 "policy

engine...checks...policy table"and Figure 7 704-710) at said network element (see

column 6 lines 1-2 "line card" and see column 6 42-47 "policy data...line card" and

Figure 3 202,324, and Figure 7 704-710) for charging (see column 1 lines 61-67

"charging a premium rate" and column 11 lines 11-13 "policy engine...checks...policy

table and Figure 6 608,614, 616) of data reaching (see column 11 lines 1-6 "for received

packets") said network element (see column 6 lines 1-2 "line card" and see column 6 42-

47 "policy data...line card" and Figure 3 202,324, and Figure 7 704-710) of a

communication network (see column 4 lines 1-7 "network") the method comprising the

step of:

creating (see column 8 lines 1-8 "A user...provide or update policy information in the

policy engine") a plurality of charging policies (see Figure 7, 704 and Figure 8, 804,808

and see Figure 6 620-634), each (see Figure 6 620-634) comprising at least one flow

parameter (see Figure 6, 604 and column 8 lines 62-67 "packet header information"), and

at least one (see Figure 6, 616) of a charging/accounting type (see Figure 6, 616, "Billing

Mechansim") , an accounting event trigger (see Figure 6, 610, and column 9 lines 17-19

"period of time...a particular policy rule is applicable"), a charging metrics (see Figure 6,

608 and column 9 lines 9-15 "premium service that is billed...at different,rate"), and a

tariffing indication (see Figure 6, 608 and column 9 lines 9-15 "premium service that is

billed...at different,rate"),distributing (see column 4 lines 38-42 "transmit policy

information...to the packet forwarding devices" and Figure 2, 102, 202; line card is part

of packet forwarding device) a policy (see column 4 lines 38-42 "transmit policy

information...to the packet forwarding devices") to at least one network element(see

column 6 lines 1-2 "line card").

For claim 19, Jogalker discloses a device (see Figure 1, 140) for supplying (see column 4

lines 38-42 "transmit policy information...to the packet forwarding devices") a network

element (see column 6 lines 1-2 "line card") with a charging Policy (see column 1 lines

61-67 "charging a premium rate" and column 11 lines 11-13 "policy

engine...checks...policy table" and Figure 6 608,614, 616) to be enforced (see column 6

lines 1-2 "line card" and see column 6 42-47 "policy data...line card"; and column 11

lines 11-13 "policy engine...checks...policy table"and Figure 7 704-710) at said network

element (see column 6 lines 1-2 "line card" and see column 6 42-47 "policy data...line

card" and Figure 3 202,324, and Figure 7 704-710) for charging (see column 1 lines 61-

67 "charging a premium rate" and column 11 lines 11-13 "policy

engine...checks...policy table and Figure 6 608,614, 616) of data reaching (see column

11 lines 1-6 "for received packets") said network element (see column 6 lines 1-2 "line

card" and see column 6 42-47 "policy data...line card" and Figure 3 202,324, and Figure

7 704-710) of a communication

network (see column 4 lines 1-7 "network") the device (see Figure 1, 140) comprising of:

creation means (see Figure 1, 140) adapted to create (see column 8 lines 1-8 "A

user...provide or update policy information in the policy engine") a plurality of charging

policies (see Figure 7, 704 and Figure 8, 804,808 and see Figure 6 620-634),

each (see Figure 6 620-634) comprising at least one flow parameter (see Figure 6, 604

and column 8 lines 62-67 "packet header information"), and

at least one (see Figure 6, 616) of a charging/accounting type (see Figure 6, 616, "Billing

Mechansim") , an

accounting event trigger (see Figure 6, 610, and column 9 lines 17-19 "period of time...a

particular policy rule is applicable"), a charging metrics (see Figure 6, 608 and column 9

lines 9-15 "premium service that is billed...at different,rate"), and a

tariffing indication (see Figure 6, 608 and column 9 lines 9-15 "premium service that is

billed...at different,rate"),

distribution means (see column 4 lines 38-42 "transmit policy information...to the packet

forwarding devices" and Figure 2, 102, 202 and Figure 1, 140; line card is part of packet

forwarding device) adapted to distrubute a policy (see column 4 lines 38-42 "transmit

policy information...to the packet forwarding devices") to at least one network

element(see column 6 lines 1-2 "line card").

Jogalekar is silent about:

As regarding claim 9, a method for charging during a data session and selecting a

charging policy based on offered ,services and subscriber information.

As regarding claim 19, a device for charging during a data session and selection means

adapted to select a charging policy based on offered ,services and subscriber information

Schweitzer from the same or similar field of endeavor discloses a charging method with

the following features:

As regarding claim 9, Schweitzer discloses a method for charging (see section 0043 lines

5-6 "policy..billed for usage" and section 0063 lines 1-5 "billing on a per session basis...

IP telephony, that might be charge per minute per leg. For HTTP that might be a charge

per megabyte) during a data session (see section 0033 lines 1-9 "session refers to a group

of related flows"),selecting a charging policy (see section 0063 lines 3-7 "voice over IP

telephony, that might be....For HTTP, that might be...") based on offered ,services (see

section 0063 lines 3-7 "voice over IP telephony...For HTTP") and subscriber information

(see section 0035 lines 10-15 "prepaid calling" and section 0043 lines 5-6 "policy might

control how users..are billed for usage").

As regarding claim 19, Schweitzer discloses a method for charging (see section 0043

lines 5-6 "policy..billed for usage" and section 0063 lines 1-5 "billing on a per session

basis... IP telephony, that might be charge per minute per leg. For HTTP that might be a

charge per megabyte) during a data session (see section 0033 lines 1-9 "session refers to

a group of related flows"),

selection means (see section 0102 "hardware...combination of hardware and software")

adapted to select a charging policy (see section 0063 lines 3-7 "voice over IP telephony,

that might be....For HTTP, that might be...") based on offered ,services (see section

0063 lines 3-7 "voice over IP telephony...For HTTP") and subscriber information (see

section 0035 lines 10-15 "prepaid calling" and section 0043 lines 5-6 "policy might

control how users..are billed for usage").

It would have been obvious to one of the ordinary skill in the art at the time of the

invention to modify the system of Jogalekar by using the features, as taught by

Schweitzer, in order to provide ... (see section 0010 lines 7-11).

8.   Claim 10, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jogalekar.

(US 7,002,977) in view of Schweitzer et al. (US 2002/0013849 A1) as applied to claim 9 above,

and further in view of Hurtta et al. (US 2006/0058006).

>   For claim 10 and 20, Jogalekar and Schweitzer teach the claimed invention as described

>   in paragraph 7.

>   Jogalekar and Schweitzer are silent about:

>   a charging policy is selected for a type of a network element.

>   Hurtta et al from the same or similar field of endeavor discloses a charging method with

>   the following features:

>   For claim 10 and 20, a charging policy (see section 0035 lines 6-9 "charging policy") is

>   selected (see section 0035 lines 6-9 "to be applied") for a type of a network element (see

>   section 0035 lines 6-9 "dependent on...the access point...that is used").

>   It would have been obvious to one of the ordinary skill in the art at the time of the

>   invention to modify the system of Jogalekar in view of Schweitzer by using the features,

>   as taught by Hurtta et al, in order to provide ... (see section 0012 and 0016).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's
disclosure.

US-5,982,754 A	11-1999	Itou et al.	370/253
US-2003/0074312 A1	04-2003	White, Craig R.	705/40
US-6,854,014 B1	02-2005	Amin et al.	709/227
US-6,947,535 B2	09-2005	Ginzboorg et al.	379/201.01
US-7,002,922 B1	02-2006	Shigenari et al.	370/253

The above are recited to show charging methods.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kenan Cehic whose telephone number is (571) 270-3120. The

examiner can normally be reached on Monday through Friday 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kwang Yao can be reached on (571) 272-3182. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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applications is available through Private PAIR only. For more information about the PAIR

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KWANG BIN YAO
SUPERVISORY PATENT EXAMINER

KC